C.F. 15700=00

7

BEFORE THE HONOURABLE HIGH COURT OF CHHATTISGARH

AT BILASPUR.

Writ Petition No. 1847 of 2001

PETITIONERS : 1. Sudhir Kumar Parida, Age 46 Years S/o Late K.C.Parida, R/o Qr.No. 6A, St. 25, Sector - 5, Bhilai Durg.

2. U.K.Wahane, Age 51 Years S/o Kashinath Wahane, R/o 21B, Maitri Vihar, supela, Bhilai Durg.

3. V.H.Pillai, Age 52 Years S/o Late K.Vasu Pillai R/o Arattazhikath House, P.O. Puttankulam, Kasrimpaloor, Bhoothakulam, Kollam, Kerala - 691302.

4. M.V.Kunjappan Age 50 Years S/o Shri N.Chindan, R/o Vanuchal House, Kuzhimanjalu Kasnnur, Kerala.

5. B.S.Prasad Age 56 Years S/o Late Kedarnath Bhagat R/o Qr. 31A, Street 29, Sector-5, Bhilai Durg.

6. K.P.R. Nair Age 50 Years S/o Late K.N.P. Pillai R/o Qr.No. 107A, HSCL Ruwa Bandha, Bhilai.

7. B.C.Kothari, Age 50 Year S/o Shri Prem Chand Bhai R/o 17/28 Ashok Niwas, Kelkar Badi, Raipur.

8. C.K.Patel Age 50 Years S/o Late Anand Masih, R/o 456/6, Ashish Nagar-I, Risali, Bhilai, Durg.

Contd....2.

P. R. No. 1429/01
Received by Shri Shashi Agrawal
Date 6.8.2001

NOTARY
D. R. GUPTA
DIST.-DURG

9. Y.R.Dhankar Age 54 Years S/o Shri S.R. Dhankar, R/o Pratikchha, Lakhenagar, Chunabhatti, Raipur.

10. C.B.S. Thakur Age 48 Years S/o Late G.S.Thakur, R/o 850 Shankar Nagar, Behind Kurmi Chhatrawas, Durg.

11. R.P.Sahu, Age 50 Years S/o Late Rathi Ram Sahu R/o Qr.No. 16-G, Risali Sector, Bhilai Durg.

12. Ramadhar Vishwakarma Age 54 Years S/o Shri Shyam Lal Vishwakarma, R/o Shankar Nagar, Bhilai.

13. Sakharam Dewangan Age 45 S/o Shri R.K.Dewangan, R/o Qr.No. 5-B, St. 25, Sector -5, Bhiali Durg.

14. I.L.Wanjari Age 53 Years S/o Shri Fattu Wanjari R/o Qr.No. 3C, St. 32, Sector-8, Bhiai Durg.

15. P.K.Dhruwan Age 50 Years S/o Shri P.K. Kumaran R/o Qr.No. 7-C, Street 77, Sector-6 Bhiali Durg.

16. Bhagrasan Singh Age 51 Years S/o Late Sukai Singh R/o Qr.No. 5A, St. 37, Sector-7, Bhiai Durg.

17. Bisheshwar Singh Age 51 Years S/o Late Laxman Singh R/o Qr.No. 14D, St. 37, Sector-7, Bhilai Durg.

18. D.P.Verma Age 42 Years S/o Shri B.P.Verma R/o Qr.No. 5A, St. 25, Sector-5, Bhilai Durg.

19. J.M.Ali Age 49 Years S/o Shri A.J.Deen R/o 331/25, Nehru Nagar, Model Town East, Bhilai Durg.

Contd...3.

D. R. GUPTA
CIVIL DIST.-DURG
M.C. No. MP
12/11/99

20. Shiv Kumar Prasad Age 53 Years S/o Shri Mahadeo Prasad R/o C/o Thakur Kirana Dukan, Bajrang Chowk, Ruabandha, Bhiai Durg.

21. B.N.Chakravarty Age 51 Years S/o Shri S.B.Chakravarty R/o Qr.No. 4D, St. 84, Sector -6, Bhilai Durg.

22. N.K.V.A.S.P.Rao Age 54 Years S/o Shri N.V.Rao, R/o A-24, Adarsh Nagar, Kasaridih, Durg.

23. Gopal Singh Age 52 Years S/o Late Jageshwar Singh R/o Qr.No. 40A, Ruabandha, Bhilai, Durg.

24. Barsan Age 50 Years S/o Late Sahadeo R/o Mohari Maroda, Bhilai, Durg.

25. Basant Kumar Age 48 S/o Late Khedu Ram R/o Kottagaon, P.O.Mahamaya Mines, Durg.

26. N. Sahadavan Age 50 years S/o Late k.Narayanan R/o. Qr No. 10B, Av.A sector 6 Bhilai, Durg.

27. M.H. Mansuri Age 44 Years S/o Shri Sabbir Hussain Mansuri R/o Beyond Navaneet Durga Ramnagar Supela Bhilai.

28. Sundar lal Age 43 years S/o Late sath Ram R/o vill. & PO Awandhi, Bhilai -3

29. Tuhuju Ram Age 43 years S/o Late Bahura Ram R/o Vill. & PO Piri, P.O. Arjunda, Dongargarh, Rajnandgaon.

30. Muraleedharan Nair B. Age 50 Years S/o K.P.Bhaskaran Nair. R/o Qr.No. 12-A, St. 7, Sector - 7, Bhilai, Durg.

Contd...4

31. K.N.Rajendra Prasad Age 49 Years S/o Late N.G. Narayana Pillai. R/o Qr.No. 11A, St. 7, Sector -7, Bhilai, Durg.

32. U.C.Pandey Age 50 Years S/o Shri Ram Nagina Pandey, r/o Qr.No. 54-C, Ruwabandha Sector, Bhilai, Durg.

33. Durga Tudu Age 46 Years S/o Shri Asha Tudu, Qr.No. 5D, St. 30A, Sector-10, Bhilai, Durg

34. S.S.Agrawal Age 55 Years S/o Shri L.N.Agrawal R/o 2/289, Samata Colony, Raipur.

35. Buni Lal, Age 46 Years S/o Shri Janak Mahato, R/o Qr.No. 4C, St. 40, Sector-7, Bhilai, Durg.

36. B.P.Behara, Age 48 Years S/o Shri Niragkar Behara, R/o 2A, St. 25, Sector - 4, Bhilai, Durg.

37. B.L.Thakur, Age 48 Years S/o Late Kartik Ram, R/o Near Teendarshan Mandir, Camp-I, Bhilai, Durg.

38. Bhagawan Prasad Age 51 Years S/o Late Ram Prasad Saw, R/o Qr.No. 15A, St. 18, Sector -7, Bhilai, Durg.

39. S.N.Basak Age 54 Years S/o Late K.L.Basak, R/o 9B, St. 33, Sector-7, Bhilai, Durg.

40. P.Satyanarayan Age 51Years S/o Shri Somulu, R/o Flat No. 31, St. 14, Khursipar Zone - I, Bhilai, Durg.

41. Phoolchand Age 55 Years S/o Shri Punou R/o Bajrang Chowk, Krishna Nagar, Supela, Bhilai, Durg.

Contd...5.

42. M.R.Chaturvedi Age 46 Years S/o Shri Paltan Ram R/o Vill. & P.O. Dhanund, Durg.

43. D.K.Khare Age 46 Years S/o Late J.K.Khare, R/o LIG-403, Padmnabhpur, Durg.

44. D.N.Singh Age 56 Years S/o Late Durga Singh R/o Qr.No. 4D, St. 77, Sector-6, Bhilai,Durg.

45. Bhajan Lal Age 42 Years S/o Late Sukhi Ram, R/o Maroda Tank, Newai, Bhilai, Durg.

46. S.R.Chandrakar Age 44 Years S/o Shri H.R. Chandrakar, R/o Qr.No. 7D, St. 86, Sector-6, Bhilai, Durg.

47. G.P.Jain Age 55 Years S/o Shri D.P.Jain, R/o Sanichari Bazar, Rukabandha, Bhilai, Durg.

48. B.D.Singh Age 50 Years S/o Late G.S.Singh, R/o Qr.No. 13E, St. 30, Sector-7, Bhilai,Durg.

49. Smt. Bijo Age 45 Years D/o Shri S.C.Marmu, R/o HSCL Colony, Maroda, Bhilai, Durg.

50. R.S.Thakur Age 51 Years S/o Laste Tappelal R/o C/o C.H.Pure, 5 Mandir, Ramnagar, Supela, Bhilai, Durg.

51. Janardan Pandey, Age 51 Years S/o Shri Chandrika Pandey, R/o Qr.No. 4A, St. 25, Sector - 5, Bhilai, Durg.

52. Raghubansh Kr. Singh Age 52 Years S/o Shri G.P.Singh, R/o Qr.No. 13A, St. 26, Sector-5, Bhilai, Durg.

53. D.G Rao Age 49 Years S/o D. Appanna R/o Qr.No. 4C, St. 32, Sector-8, Bhilai, Durg.

Contd....6.

54. S.Chandrasekharan Age 51 Years S/o Shri E.K.Sekharan, R/o Qr.No. 13A, St. 7, Sector-7, Bhilai, Durg.

55. P.V.Krishna Rao Age 50 Years S/o Shri P.S.Lingam, R/o Qr.No. 7B, St. 37, Sector-5, Bhilai, Durg.

56. Motilal Sen Age 42 Years S/o Shri Chandulal Sen, R/o Ganganagar (New Colony), Durg.

57. B.R.Jangde, Age 52 Years s/o Shri Purushottam, R/o Nehru Chowk, Camp-I, Bhilai, Durg.

58. P.R.Sahu, Age 49 Years S/o Shri R.R.Sahu, R/o Popular Cycle Store, Sastri Nagar, Supela, Bhilai, Durg.

59. M.C.Verma Age 52 Years S/o Shri Late R.D.Verma, R/o EVWS-2780, MPHB, Industrial Area, Bhiai, Durg.

60. L.R.Netam Age 49 Years S/o Shri A.S.Netam, R/o Jagriti Chowk, Camp-I, Bhilai, Durg.

61. R.S.Yadav Age 52 S/o Shri R.P.Yadav, R/o Qr.No. 130-A, Ruabandha Sector, Bhilai, Durg.

62. A.K. Chandrakar Age 49 Years S/o Shri Dhallu Ram Chandrakar R/o 2C, Street-16 Sector-7 Bhilai Durg.

63. Ram Dular Age 53 Years S/o Late Shri jeet R/o 107-B Ruabandha Sector, Bhilai Durg.

64. N.K. Chandrakar Age 49 Years S/o Shri P.R. Chandrakar R/o 2-F, Street 15-B, Sector 2 Bhilai Durg.

Contd....7.

65. N. Anand Rao Age 49 Years S/o N.S. Rao R/o 7-G Street-37, Sector 7 Bhilai Durg.

66. A. Singh Age 53 Years S/o Roshan Singh R/o Teja Kirana Store Camp-I Steel Nagar, Bhilai Durg.

67. L.K. chatterjee Age 53 Years S/o Hiralal R/o 6-C Street 30-A Sector 10 Bhilai Durg.

68. Smt. Sita Ratan Age 48 Years w/o S.C. Soren R/o 9D Street 30-A Sector 10 Bhilai Durg.

69. S.B. Harpal Age 52 Years S/o Aditya Harpal R/o 1-B Street -32 Sector 7 Bhilai Durg.

70. Abraham Thomas Age 55 Years S/o Late Cherian Abraham R/o 10-A Street-15 Sector-7 Bhilai Durg.

71. Nand kishore Lall Age 56 Years S/o Shri Late Umesh Lall R/o Shop No. 123 Market Complex, Simdega Distt. Simdega.

72. Baldu Ram Tandan Age 48 Years S/o Shri Bahuran Ram Tandan, R/o Vill. Umarpoti, PO: Purai, Durg.

73. Babu ram Tandan Age 47 Years S/o Chandulal Tandan, R/o Qr.No. 12B, St. 33, Sector-7, Bhilai Durg

74. Budhari, Age 50 Years S/o Murit Ram, R/o Dabarapara, Bhilai-3, PO: Bhilai-3,Durg.

75. Agnu Ram Age 44 Years S/o Shri Bhulan Singh, R/o Vill. Urla, P.O. Urla (BMY),Durg.

76. R.K.Prasad Age 56 Years S/o Buni lal R/o 6D, St. 40, Sector-7, Bhilai, Durg.

77. Jagdeo Ram Age 50 Years, S/o Shri Mundrika Ram R/o Qr.No. 69-A, HSCL, Ruabandha Sector, Bhilai,Durg.

Contd....8.

R. GUPTA
DIST.-DURG
REG. No. MP
3912/1998

78. V.P.Singh, Age 56 Years S/o Late Kamlapati Singh, R/o 18B, St. 35, Sector - 4, Bhilai Durg.

79. Shyam Rao Raghatate, Age 52 Years S/o Late Jairam Raghatate, R/o Balaji Chowk, Krishna Nagar, Bhilai, Durg.

80. A.K.Gupta Age 45 Years S/o Late P.L.Gupta, R/o Qr.No. 11D, Avenue A, Sector 6, Bhilai,Durg.

81. P.Shyamal Rao Age 52 Years S/o Late P.V.Rao, R/o Qr. No. 17A, St. 17, Sector-7, Bhilai Durg.

82. Y.Tarkesh Age 48 Years S/o Late Y.Appanna, R/o Qr.No. 7-G, St. 37, Sector-7, Bhilai Durg.

83. Ishwar Age 53 Years S/o Shri Daulat Rao, R/o Arya Nagar, Shitalapara Kohka, Bhilai Durg

84. R.K.Lall Age 47 Years S/o Late L.P.Lall, R/o Qr.No. 1B, St. 18, Sector-I, Bhilai Durg.

85. R.K.Mishra Age 50 Years, S/o Late J.L.Mishra, R/o EWS-360, Vaishali Nagar, Supela, Bhilai Durg.

86. John Y. Age 49 Years S/o Late V.M.Yohannan, R/o Qr.No. 2J, St. 46, Sector-6, Bhilai Durg.

87. S.K.Chakraborty Age 47 Years S/o B.C.Chakraborty, R/o Plot No. 8, Str. 10, Ashish Nagar II, Risali, Bhilai Durg.

88. T.S.R.Nair, Age 52 Years S/o Late N.S.Pillai, R/o Qr.No. 8A, Avenue A, Sector-6, Bhilai,Durg.

Contd....9.

R. GUPTA
IL DIST.-DURG
REG. No. MP
13/12/11/99

89. R.D.Wahane, Age 53 Years S/o Late Vithoba Wahane, r/o Sankar Nagar (New Buda Vihar), PO Mohan Nagar, Durg.

90. Navin Kumar Panda Age 50 Years S/o Late Gauri Shankar Panda, R/o Qr.No. 12A, St. 33, Sector-7, Bhilai Durg.

91. H.P.Nath Age 48 Years S/o Late Babulal Nath, R/o Qr. No. 4G, St. 84, Sector-6, Bhilai Durg

92. Noor Mohammed, Age 51 Years S/o Nushab Mohammed R/o Kerang, Distt. Khurda, Orissa.

93. E.V.Sekharan Age 55 Years S/o Late E.K.Velayudhan, R/o Qr.No. 4A, St. 86, Sector-6, Bhilai Durg

94. M.L.Sharma, Age 49 Years, S/o Late S.M. Sharma, R/o Qr.No. 4E, St. 83, Sector-6, Bhilai Durg

95. S.R.Pawar Age 46 Years S/o Shri Sajuram Pawar, R/o Qr.No. 1E, St. 31A, Sector-10, Bhilai, Durg.

96. Gaya Lal Age 45 Years S/o Shri Kulanjan, R/o Qr.No. 10J, St. 34, Sector-7, Bhilai,Durg.

97. P.V.Sukumaran, Age 48 Years S/o Shri P.S. Vidayadharan, R/o Qr. No. 7A, St. 77, Sector-6, Bhilai Durg

98. Pandit Sonare Age 50 Years S/o Late Lotan Sonare, R/o Qr.No. 2D, St. 37, Sector-7, Bhilai Durg

99. Chet Bahadur Age 57 Years S/o Late Man Bahadur R/o 7J, St. 87, Sector-6, Bhilai Durg

Contd....10.

NOTARY
D. R. GUPTA
CIVIL DIST.-DURG
REG. No. M.P
13/12/11/99

16

100. Anand Ram, Age 44 Years S/o Late Nakul Ram, R/o Qr.No. 10L, St. 86, Sector-6, Bhilai Durg

101. Yamuna Ram Age 52 Years S/o Late Ramdeo Ram, R/o Qr. No. 50C, HSCL, Ruabandha Sector, Bhilai Durg

102. Bahauddin Age 52 Years S/o Manager Hussain, R/o Qr.No. 13B, St. 43, Sector-7,Bhilai,Durg.

103. R.B.Singh Age 52 Years S/o Late R.B.Singh R/o Qr.No. 5B, Ruabandha Sector, Bhilai, Durg.

104. P.N.Varghese, Age 54 Years S/o Late P.V.Ninan, R/o Qr.No. 2H, St. 86, Sector-6, Bhilai, Durg.

105. Kewal Ram Age 54 Years S/o Late Shakaldeep Ram, R/o Qr.No. 2K, St. 87, Sector-6, Bhilai, Durg.

106. Banshidhar Ram Age 47 Years S/o Shri Shiv Sankar Prasad, R/o Qr.No. 5F, St. 87, Sector-6, Bhilai, Durg.

107. Siktar Singh, Age 45 Years S/o Shri Tara Singh, R/o 3A, St. 22A, Sector-7, Bhilai, Durg.

108. Moti Singh Age 54 Years S/o Shri Dhurhan Singh, R/o Durg (C.G.)

109. Jagat Pal, Age 50 Years S/o Shri Midriya, R/o Qr.No. 25F, St. 37, Sector-7, Bhilai, Durg.

110. A.R.Meshram Age 50 Years S/o Shri Govinda R/o Kosanagar, Near Nehru Nagar, Bhilai, Durg.

Contd....11.

NOTARY
R. GUPTA
DIST.-DURG
No. MP
/11/99

17

111. Krishna Kumar Age 51 Years S/o Late Hiraman R/o Vikas Para, Ramnagar, Infront of Pump House, Bhilai, Durg.

112. Shiv Sankar Jena, Age 50 Years S/o Shri Haripad Jena, R/o 7B, St. 25, Sector-5, Bhilai, Durg.

113. P.G.Goswami, Age 49 Years S/o Shri B.G.Goswami, R/o 1B, St. 26, Sector-7, Bhilai, Durg.

114. Ramanand Prasad, Age 52 Years S/o Shri Baliram Prasad, R/o 27C, St. 30, Sector-10, Bhilai, Durg.

115. C.N.Giri, Age 52 Years S/o Late R.A.Giri, R/o Qr.No. 2B, St. 16, Sector-7, Bhilai, Durg.

116. Bhikham Age 45, S/o Shri Firanta, R/o Aryanagar, Kohka, Bhilai, Durg.

117. Ghasi Ram, Age 48 Years S/o Shri Kriparam R/o New Star Thela, Shankar Nagar Chawni, Bhilai, Durg.

118. Jagesh Ram, Age 47 Years S/o Shri Ranjan Singh, R/o Qr.No. 16D, St. 38, Sector - 7, Bhilai, Durg.

119. Pratap Singh Age 50 Years S/o Shri Basant Singh, R/o New Subjee Mandi, Lakshmi Nagar, Supela, Bhilai, Durg.

120. Jujhar Age 48 Years S/o Shri Asha Tudu, R/o Qr.No. 9F, St. 30A, Sector-10, Bhilai, Durg.

121. D.R.Tandan Age 51 Years, S/o Shri Harkaran Tandan, R/o Vill. Boriya, P.O. Bhkorcnga Berla, Durg.

Contd....12.

SECRETARY
D. R. GUPTA
CIVIL DIST.-DURG
M.P.

122. Suresh Singh, Age 48 Years S/o Khedan Singh, R/o Surendra Kirana Stores, Sangrasm Chowk, Camp-I, Bhilai, Durg.

123. S.Ansari Age 52 Years S/o Md. Azim, R/o Rahman Kirana Stores, Camp-I, 18, Number Road, Bhilai, Durg.

124. B.A.Khan, Age 48 Years S/o Md. Azim Khan, R/o Qr.No. 13B, St. 43, Sector-7, Bhilai, Durg.

125. Smt. Karuna, Age 45 Years W/o Sashi Nath Manjhi, R/o Qr.No. 13C, St. 33, Sector-10, Bhilai, Durg.

126. Y.R.Rupwate Age 52 Years S/o Late Vithal Rao, R/o Qr.No. 11B, St. 33, Sector-7, Bhilai, Durg.

127. James Dhanwar, Age 47 Years S/o Shri Agnesh Dhanwar, R/o Qr.No. 8F, St. 30A, Sector-10, Bhilai, Durg.

128. Abdul Rafique Age 47 Years S/o Abdul Gani, R/o C/o National Electrical Shop, Shop No.88, Sector - 7 Market, Bhilai, Durg.

129. Ramadhar Singh, Age 50 Years S/o Manrakhan Singh, R/o Qr.No. 62-A, HSCL, Ruabandha Sector, Bhilai, Durg.

130. Panchdeo Singh Age 54 Years S/o Shri Raghubir Singh, R/o Puja T.V. Centre, 18 No. Road, Steel Nagar, Camp-I, Bhilai, Durg.

131. Dayalu Age 52 Years S/o Late Mand Raj, R/o Vill. Khopli, P.O. Khopli, Durg.

132. Bharat Lal, Age 48 Years S/o Shri Kalu Ram, R/o Shankar Nagar, Chawani, Behind ITI Colony, Bhilai, Durg.

Contd....13.

NOTARY
D. R. GUPTA
CIVIL DIST.-DURG
REG. No. MP
13/12/11/99

19

133. C.H.Wakare, Age 47 Years S/o H.K.Wakare, R/o Qr.No. 5C, St. 32, Sector-8, Bhilai, Durg.

134. G.R.K.Sharma, Age 48 Years S/o Shri Radhey Shyam Sharma, R/o Vill. Jamul Santoshi Chowk, P.O. J.C.Works, Durg.

135. Bhagat Ram, Age 53 Years S/o Shri Khorbahra, R/o Near Indira School, Ramnagar, Kohka Road, P.O. Supela, Bhilai, Durg.

136. Munawar Khan age 52 Years S/o Late Md. Khan, R/o Behind Amardeep Talkies (Near Central Lodge), Raipur 492001

137. S.S.Viswakarma Age 54 Years S/o Shri Aliyar Viswakarma R/o C/o Gobila Hardware Priya Complex, Borsi (Near New Santoshi Mandir), Durg.

138. Ganesh Ram Age 47 Years S/o Shri Raja Ram, R/o Santoshi Chowk, Vill. Jamul, PO: J.C.Works, Durg.

139. Babulal Pandit, Age 52 Years S/o Shri Parishan Pandit, R/o J.P.Chowk, Sharvan Shop, Camp-I, Sharda Para, Bhilai, Durg.

140. Sada Brikich, Age 54 Years S/o Shri Santokhi Choudhary R/o Maroda Tank, Maroda, Sitaram Cycle Stores, P.O. Risali, Bhilai, Durg.

141. J.S.Kurray Age 45 Years S/o Shri D.D.Kurray, R/o Vill. & P.O. Nardha, P.O. Jamul Cement Works, Bhilai, Durg.

142. Indraman Singh Age 43 Years S/o Late Kamal Singh R/o Vill S.P.O. & Vinayakpur P.S. Poolgaon, Durg.

Contd.....14.

NOTARY
D. R. GUPTA
CIVIL DIST.-DURG
REG. No. MP
12/12/11/99

143. R.B. Thakur Age 46 Years S/o Shri Ram Kisan Thakur R/o Vill S.P.O. Vinayakpur P.O. Poolgaon Durg.
144. Maya Ram Age 46 Years S/o Shri Kulanjan R/o Vill Kotagaon R.O. Mahamaya Balod Durg.
145. S.S. Mandavi Age 49 Years S/o Late Nohar Singh R/o Vill & P.O. Chitod Balod Durg
146. Jagdayal Ram Age 55 Years S/o Shri Ram Narayan Ram R/o Q.No 31-A Ruabandha Sector HSCL Bhilai durg.
147. P.N. Singh Age 55 S/o Shri R.N.Singh R/o Vill Dhumariya P.o. Laxmipur Chiraia, (Via) Amarpur, Distt. Banka, Bihar.
148. B.N. Chakraborty Age 52 Years S/o Shri S.K. Chakraborty R/o EWS-42, Padmnabhpur Durg.
149. Shankar Lal, Age 52 Years S/o Shri Ramadhin Banjare, R/o Vill. Kareli,(Purdha) PO : Navagaon,(Bori), Pulgaon, Durg.
150. Prem Lal Age 55 Years S/o Ganesh R/o Vill. Purdha, PO : Bori, Pulgaon, Durg.
151. G.C.Mohandi Age 55 Years S/o Kalicharan Mohandi, R/o Jagannathpur Village P.O. Garjai Bari, Via Dol Sahi, Distt. Bhadrak Orissa.

VERSUS

RESPONDENTS :

1. Union of India, Through Secretary, Ministry of Steel, Shram Shakti Bhawan, New Delhi.
2. HINDUSTAN STEEL WORKS CONSTN. LIMITED, (A Govt. of India Undertaking) Regd. Office, 1, Shakespeare Sarani, 8th Floor KOLKATTA - 71.
3. The Chairman-cum-Managing Director, HINDUSTAN STEEL WORKS CONSTN. LIMITED, 1, Shakespeare savani, 8th Floor, KOLKATTA.
4. The Group General Manager, Hindustan SteelWorks Constn. Limited, BhilaiUnit T,P.O. Bhilai, Durg Chhattisgarh.

contd...15.

WRIT PETITON UNDER ARTICLE 226/227

OF THE CONSTITUTON OF INDIA

XI-HC-22

(113)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2/2001 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28.4.2005 Mr. B.R. Ghosh, counsel for the petitioner in W.P. No.2/2001. Mr. D. Shashidharan, Advocate with Shri C.R. Sahu, Advocate for the petitioners in W.P. Nos.3081/2000, 4205/2000, 5569/2000, 5571/2000, 51/2001, 54/2001, 55/2001, 102/2001, 205/2001, 468/2001, 1847/2001, 1261/2002, 1379/2002 & 1542/2002. Mr. P.P. Sahu, counsel for the petitioners in W.P. Nos.220/2002, 431/2002, 744/2002 & 1354/2002. Mr. Thakur Vijay Singh, Assistant Solicitor General of India for respondent No.1 in all the writ petitions. Mr. V.V.S. Murthy, Sr. Counsel for respondent No.2 & 3 in W.P. Nos.431/2002, 744/2002 & 1379/2002 and in rest of the aforementioned petitions Mr. P.S. Koshy, Advocate with Mr. Vinod Deshmukh, counsel for respondent No.2 & 3. As all these petitions relate to those employees who took the voluntary retirement under the Voluntary Retirement Scheme introduced by respondent No.2 & 3 vide HO circular No. GM (P&A)/ESTT/16/88 dated 10.11.1988, HO Circular No. PER /RR/531/M-7221 dated 18th/19th 11.1993. & HO Circular No. PER/RR/531 dated 28.6.1995, which was extended from time to time upto year 2000, relief claimed by the petitioners in these petitions are covered by the points raised in W.P. No.2/2001, therefore, these petitions are being disposed of by this common order.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2/2001 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

At the outset it may be mentioned that respondent No.2 & 3 have not denied the admissibility of the benefits to the petitioners, but their case is that respondents concern is running in loss and due to financial crunch they introduced voluntary retirement scheme for reducing the workmen force in order to reduce the financial burden. In the return of respondent No.2 & 3 it has been mentioned that respondents have never denied benefits to its employees but because of paucity of funds the benefits of salary and wages cannot be given in full extent.

The first claim made by the petitioners is that they are entitled for the arrears of 5th Pay Commission from 1.1.1996 to 31.12.1997. Learned counsel for the petitioners submits that employees of respondent No. 2 & 3 were given benefits of 4th Pay Commission and thereafter, 5th Pay Commission was given to all Public Undertakings w.e.f. 1.1.1996 and in this connection a circular dated 20.1.1998 (Annexure P-1) was issued. Since the employees of respondent No.2 & 3 fall under the Central Dearness Allowance (C.D.A.), they are also eligible for 5th Pay Commission from 1.1.1996, but the employees of Bhilai Unit working under respondent No.3 have been allowed the said benefits only from 1.1.1998 and have been deprived of the said benefits for the period from 1.1.1996 to 31.12.1997.

Mr. Koshy, counsel for respondent No.2 & 3 submits that except arrears for this period i.e. from 1.1.1996 to 31.12.1997 all the dues have been paid to the petitioners.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... W.P. 2101 ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In this connection, if we look into the Annexure P-2 dated 10.11.1988, at the time of introduction of voluntary retirement scheme the employees of respondent No.2 & 3 were informed that they will be paid all the benefits as mentioned in the circular including the CPF, Earned Leave encashment as per rules of the Company, gratuity, salary for the notice period and T.A. equivalent to actual fare of the class by Rail to which the employees is entitled for self and family proceeding to recorded home town and reimbursement of actual expenditure incurred for transportation of personal effect as per T.A. Rules.

Since the respondent company is running in loss that is why the Central Government came forward for financial assistance to the respondents-Company and as informed by Mr. Murthy that in the first instance Rs.79.99 crores non-plan loan was sanctioned by the Central Government in the year 1999-2000 to meet the liability of statutory dues granted in 1999 as part of comprehensive revival package, thereafter, a non-plan loan of Rs.89.44 crores granted in the year 2001-02 to meet the liability of statutory dues to separated employees and similarly, a non-plan loan of Rs.61.11 crores granted in the year 2002-03 for payment of dues to the employees of respondent HSCL. Accordingly, the Central Government has granted so much financial assistance to the respondent-Company in order to make the payment of separated employees as comprehensive revival package and the petitioners sought voluntary retirement, as per respondent company's scheme, contributed towards the company for reduction in the workmen,

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(S).1901..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, respondent No.2 & 3 should not ignore the sacrifice made by the petitioners by seeking voluntary retirement. Thus, in my opinion, in view of all the above facts the petitioners are entitled for the benefit of 5th Pay Commission and also the benefit of arrears for the period from 1.1.1996 to 31.12.1997 as claimed by the petitioners, as the petitioners are a class separate because they have took the voluntary retirement and being retired employees they required some financial assistance for their settlement after their retirement. The employees, who are still working, are getting their salaries but the retired employees are wholly dependant on the retiral benefits whatever they received. Particularly when respondent No.2 & 3 have been rendered financial assistance by the Central Government, they are under obligation to pay the arrears of 5th Pay Commission to the employees who took the voluntary retirement as per the scheme introduced by the respondent No.2 & 3. As such, it is directed that respondent No.2 & 3 shall pay the arrears of 5th Pay Commission to the petitioners for the period 1.1.1996 to 31.12.1997, as claimed by the petitioners.

Now, coming to the second point raised by the counsel for the petitioners regarding D.A., which was 38% up to 31.6.2000 and ultimately increased to 41% from 1.7.2000, as mentioned in Clause (b) of Paragraph No.4 of the petition. Counsel for the petitioners' contention is that till 30.6.2000 the petitioners were paid 22% DA only, whereas they were entitled for the increased DA. As against this Mr. Koshy submits that as per circular of

(पीछे देखिये)

(117)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ....WP 2/01.... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ministry of Steel dated 14.7.1999 (Annexure R-2) made effective from 1.4.1999 the additional D.A. was frozen on account of financial crunch and loss to the company. In this connection, again I would like to mention the same point which has been mentioned in the earlier part of this order that as far as the working employees are concerned, it may be legal but for the retired employees who took the voluntary retirement and they are wholly dependent upon the retiral benefits and looking to the contribution of these persons by coming forward for seeking voluntary retirement in order to contribute for reduction of the workmen in the company so as to reduce the financial burden on the company, respondent No.2 & 3 are expected to more generous towards these employees, as after their retirement only retiral benefits are the money on which they can prolong their life. Therefore, respondent No.2 & 3 should pay the DA at the increased rate to the petitioners till the date they took voluntary retirement. Mr. Koshy tried to raise the point that some of the employees approached the Hon'ble Apex Court under Article 32 of the Constitution of India for directing the respondent Company to release the DA etc and he has submitted that said petition has been dismissed by the Hon'ble Apex Court with the direction that the petitioners would be at liberty to approach the respondent Company for increase of DA in terms of the scheme in case the company earns profit. But again in my humble opinion it applies to the working employees only and the petition was also filed by the working employees. As mentioned earlier that the petitioners

(118)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2/91 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

herein are a class separate, they are retired employees, therefore, respondent No.2 & 3 even after getting financial assistance from the Central Government they are not paying to these employees, therefore, they should pay the DA increased from time to time by the Central Government to the petitioners till date of their retirement.

As far as the point with regard to the increase of House Rent Allowance is concerned, the reply of respondent No.2 & 3 is that increased HRA could not be paid to the employees on account of paucity of funds. But when respondent Company has been directed to pay the increased DA, as such the petitioners are also entitled for increased HRA. Therefore, it is held that respondent No.2 & 3 should pay the increased HRA to the petitioners as per rules.

The other point raised by learned counsel for the petitioners is that in some cases the petitioners have opted for voluntary retirement in the month of August 1999 but they continued in services till June, 2000, but the salary for this intervening period i.e. from 1.9.1999 till their actual date of retirement has not been paid to them. In this respect, Mr. Koshy submits that payment has already been made and the petitioners' counsel also concedes that payment has already been received.

As far as other allowances i.e. actual allowance incurred by the petitioners for transportation of their luggage, self-travelling allowance alongwith their dependent family members to reach their declared home-town & settlement allowance are concerned, in this

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 310 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

connection Mr. Koshy submits that Accounts Department has taken an objection that employees are claiming transportation of their luggage, self travelling expenses & settlement allowance on forged bills without settling at their declared home town and even some of the employees were retaining the company's quarters.

Mr. Shashidharan, counsel for the petitioners argued that the employees are entitled for settlement allowance even if they decide to settle at some other place than the declared home town.

Having heard learned counsel for the parties and having regard to the facts in case, this is the normal practice that when an employee retires he is entitled for transportation charges, travelling charges for himself and his dependent family members to reach his declared home town, therefore, respondent No.2 & 3 are directed to pay the petitioners travelling allowance for the employee himself along with dependent members of his family, transportation of house holds and settling allowance as per actual expenses incurred in that respect by the employees upto the extent admissible under the rules. It is made clear that these allowances will be admissible to the petitioners after satisfying the respondents about incurring of those expenses and in this connection before making payment respondents can ask for tickets of the travelling and also the receipt of transportation. They will also be entitled to have their satisfaction that the employee has actually settled at the declared hometown.

As far as the claim regarding medical facility is concerned, the main grievance of the petitioner is that the medical facility was

(तीसरे पेज पर)

आदेश पत्रक

मामला क्रमांक WP...2/21..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 8 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

given to them as per 4th Pay Commission, whereas it ought to have been given as per 5th Pay Commission. In this respect having considered the point raised by learned counsel for the petitioners, I am of the opinion that it is appropriate to direct the respondents that in case any employee incurred any medical expenses admissible to him before the retirement as per medical rules and then they are entitled for the difference on account of the rules of pay revision in pursuance of 5th Pay Commission on satisfying by the concerned employee about the incurring of that expenses difference between 4th Pay Commission & 5th Pay Commission, if any, be paid to the petitioners.

As far the claim of the petitioners regarding Leave travel concession (LTC) is concerned, as the respondents company is already running in loss and Central Government has also from time to time restricted the LTC entitlement of the employees, I am of the opinion that looking to the financial crunch of the respondent Company it is not appropriate to grant this relief to the petitioners, moreover, they have already been retired and also in view of the fact that in the case of DA inspite the fact that DA has been frozen the petitioners have been granted increased D.A. by this order. Hence, this claim cannot be allowed.

As far as the last claim of the petitioners regarding benefit of additional privilege of Earned Leave (EL) and Half Pay Leave has been curtailed is concerned, counsel for the petitioners argued that the benefit of earned leave and half pay leave, which was admissible to the petitioners under Annexure P-2 whereby the

(पीछे देखिये)

XI-HC-22

(121)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/2191/..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

employees were offered voluntary retirement scheme has been curtailed by Circular Annexure P-4 dated 28.8.2000 with retrospective effect. Again in my opinion, curtailment of this benefit with retrospective effect cannot be considered to be valid. In the first place the petitioners took the voluntary retirement in pursuance of the scheme introduced by the respondent company for reduction of the workmen force and on the other hand curtailment of the benefit of earned leave and half pay leave with retrospective effect vide Circular Annexure P-2 dated 28.8.2000 by the respondent Company is contrary to the spirit of circular Annexure P-2. Therefore, in my opinion the respondents are not entitled to curtail the benefit of earned leave & half pay leave till 27.8.2000, however, that can be made effective in the cases where the retirement has been effected w.e.f. 28.8.2000. Accordingly, respondents are directed to give benefit of encashment of Earned Leave & Half Pay Leave to the petitioner as per rules up to 27.8.2000 as per the prevailing scheme up to that date.

Mr. Shashidharan, counsel for the petitioners submits that apart from these claims in some cases respondents are charging more license fee of the quarters, which are provided to the employees by the respondent No.2 & 3 in comparison to the outsiders to whom the company has also provided the quarters. He further submits that in some of the case some employees incurred expenses in respect of special diseases, which were not to be recovered from the employees concerned, but the same have been recovered from the dues payable to the employees.

(पीछे देखिये)

XI-HC-22

(122)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/2/01 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —10—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

As far as these points are concerned, the petitioners are at liberty to avail the separate remedy as admissible under the law.

In the result, for the foregoing reasons, the respondents are directed to make the payments to the petitioners in light of the aforesaid directions given by the Court as early as possible but not later than six months from today, as most of the petitioners took their retirement 5 to 6 years back and they are waiting for their retiral dues.

Writ Petitions stand disposed of in terms of the above order.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

(पीछे देखिये)

4/5/05 25/10/05 26/11/05